

### **REMARKS**

The following remarks are responsive to the Final Office Action mailed 2 August 2004. Applicants respectfully request reconsideration of the pending application.

#### ***Status of Claims***

At the time the office action was mailed, claims 1-27 were pending in the application. In the present response, claims 1, 4-14 and 17-26 have been amended and claim 27 has been withdrawn without prejudice. No new matter has been added. Therefore, claims 1-26 remain pending in the application.

#### ***Election Under Restriction Requirement of 35 U.S.C. 121***

In a telephone interview between the Examiner and Edwin Taylor on 23 July 2004, a provisional election was made without traverse to prosecute claims 1-26 (Group I). Applicants affirm the election of Group I for prosecution. Accordingly, applicants have withdrawn claim 27 without prejudice.

#### ***Drawing Objections – 37 CFR 1.84(p)(5)***

Figure 6 has been objected to as failing to comply with 37 CFR 1.84(p)(5) because it does not include a reference character mentioned in the specification. Applicants have amended the specification to delete the reference. Applicants respectfully request that the objection to Figure 6 be withdrawn.

Application No. 09/749,269  
Amendment filed December 2, 2004  
Reply to Office Action of August 2, 2004

**IN THE DRAWINGS**

See attachment: Replacement drawing for Figure 7.

Figure 7 has been objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes a reference character not mentioned in the specification. Applicants have amended Figure 7 to delete the reference. Applicants respectfully request that the objection to Figure 7 be withdrawn.

### *Specification*

The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to respectfully point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

The disclosure has been objected to for an informality, an obvious error in a reference to a drawing identifier. Applicants have amended the specification to correct the informality. No new material has been added.

### ***Claim Objections***

Claims 4-13 and 17-24 have been objected to for a number of informalities. Applicants respectfully submit that claims 4-13 and 17-24, as amended, correct the noted informalities and respectfully request the withdrawal of the objection to the claims.

### ***Claim Rejections - 35 U.S.C. § 112***

Claims 1-26 have been rejected under 35 USC 112, second paragraph. Applicants respectfully submit that claims 1, 4-14 and 17-26, as amended, and dependent claims 2, 3, 15 and 16 satisfy the requirements of 35 USC 112, second paragraph, and respectfully request the withdrawal of the rejections of the claims.

The following is responsive to the Examiner's questions regarding the language of some of the claims:

In claims 3, 4-6, 8-11 and 16-19, "a number of consecutively received symbols" may be read as any number of consecutively received symbols, while "a threshold number of consecutive symbols" may be read as a specific number of consecutive symbols that is characterized as a threshold.

In claims 4 and 5, "a current bit period" and "a subsequent bit period" may be read in terms of their commonly understood temporal meanings, "current" implying "now" or its equivalent, and "subsequent" implying "after" or its equivalent.

In claim 12, "a detected edge signal" and may be read as "an edge signal" that has been detected.

In claim 12, as amended, there is no difference between “an average phase of detected edges” and “said average phase.”

*Conclusion*

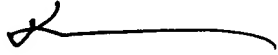
It is respectfully submitted that in view of the amendments and remarks set forth herein, the objections and rejections have been overcome. Applicants respectfully request the issuance of a timely notice of allowance in this case.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 12/2, 2004

  
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